

The State of California V. Hayes: An Annotated Mock Trial

An Honors Thesis (HONR 499)

by

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Abstract

In a society which has what appears to be increasingly polarizing political ideologies, it comes as no surprise that politics can be a sensitive topic, even with those who share the same beliefs as ourselves. When fear of losing sets in, people can be driven to do what it takes to win, which is the case of some political campaigns. This phenomenon can be seen through real-life case law such as *United States v. Nguyen*, 673 F.3d 1259, which is the inspiration for this hypothetical. Through the lens of a mock trial document, I hypothesize what *United States v. Nguyen* could look like if the facts of the case were a bit different.

Acknowledgments

I would like to thank the professors who have guided me throughout my time as a Ball State University student, especially my thesis advisor, Dr. Darren Wheeler. They have given me the skills necessary to craft this project.

Process Analysis Statement

According to Stetson University, “Mock Trial is a competition in which students simulate a real trial. The trial concerns an official AMTA [American Mock Trial Association] case that remains the same through the entire academic year” (Stetson University 1). This is a creative activity that utilized actual cases to present a hypothetical regarding election law, specifically voter intimidation. This project demonstrates practices that I have been taught during my time at Ball State University as a Political Science and Legal Studies double major. I looked at the process that AMTA uses to create their cases, as well as used relevant case law and previous mock trial case materials.

When tackling my thesis, my first goal was to combine both of my majors in a creative way. As a Political Science and Legal Studies double major, I knew that I wanted to look more closely at election law because it is an area that ties these two together. I was the Vice-President of the Mock Trial team at Ball State University, and I thought that making a mock trial for my thesis would be a creative way to incorporate the knowledge that I have gained throughout my time in college. When inspecting election law for this mock trial purpose, I found that cases involving voter intimidation were incredibly interesting to me.

Under 18 U.S. Code § 594 and Cal Elec Code § 18540 voter intimidation is prohibited. This includes threats, coercion, intimidations, as well as any attempt to do one of these. Using facts like *United States v. Nguyen*, 2010 U.S. Dist. as a base, I created my annotated mock trial case. In 2008, Nguyen, a Republican Party candidate

in California was indicted for sending threatening and coercive letters to Hispanic surnamed individuals to influence them to not vote. I chose this case, because it struck me as something that could be done in a mock trial format.

After choosing the *United States v. Nguyen* case, the creative process began. I brainstormed characters and situations that could lead me to my desired product. In *United States v. Nguyen*, courts looked at whether Nguyen had tried to prevent federal investigators from investigating; however, my case centers on creating a fake case in which Riley Hayes is accused of voter intimidation, which includes modified facts of Nguyen's case. I wanted to be able to use characters to tell this story in my head.

I started by crafting my defendant and their campaign manager. Since most of the story involves both, it was imperative that I established the timelines of what they were doing along with deciding what I could use to give an advantage/disadvantage to both sides of the case. After deciding this information, I created characters that I believed could be used to present this information. I wanted to make sure that the conversations that were overheard, actions witnessed, and evidence that was found would be realistic to the character. One of the challenges that I faced with this was that I wanted them to be realistic, but I also wanted them to have personality.

In mock trials the witnesses are given big personalities at times so that the people playing them can "act" like the witnesses. The foundational information about each character is where I tried to add their personality in my project. Overall, I am happy with how their personalities translated from my mind to the written work.

The easiest parts of the thesis were the pieces that contained less imaginative freedoms and were actual legal documents, such as: the indictment and bill of

particulars, the case investigation report, and the waiver of rights. These focused on case facts, so I did not have as much to create when writing them.

The exhibits at the end of the thesis (except for the interrogation and the letter) were the last items within the project that I completed. I created the maps through the computer program “Paintbrush,” which allowed me to design what I wanted the locations to look like. The text messages were created through the website “I Fake Text Message,” which allows you to craft text conversations.

Throughout my project, I have annotations that show the reasons why I have chosen to include the specific items that I did. These were placed in a red font to denote that they were supplementary material to the actual mock trial case. It was created this way so that the case could be used as a practice case for mock trial teams. They could practice with or without the annotations and could then see the reasoning behind information if they required it.

Through this process, I have learned how much effort is undertaken through the creation of a mock trial case. There is much planning and strategy that goes into the writing of one. It is hard to try and keep the case balanced through the story that is being given to the teams that are viewing it. Outside of the mock trial, I learned a plethora of information through the research that I conducted on election law and voter intimidation. I read deeply through several cases and their court opinions to make sure I was crafting a case that made sense. I believe that I learned a great deal about creative writing and legal writing through the process as well. I believe that the ideas that I wanted to convey throughout the project were successful, and I am happy with the result.

Thesis

This project serves to provide an audience of students participating in mock trial with a fictitious case of voter intimidation, which can assist them in learning skills that can be utilized in further classes and trials such as: researching relevant cases, finding strengths and weaknesses to their arguments, and utilizing evidence to assist in emphasizing their case.

Sources

18 USCS § 594

Cal Elec Code § 18540

England, D. C. (2020). Perjury: Laws and Penalties. Retrieved May 15, 2020.

Fed. R. 804

Fifth Amendment Miranda Rights. (2019, December 26). Retrieved May 18, 2020.

Hearsay Exceptions: Then Existing Mental, Emotional, or Physical Condition. (2014, January 21). Retrieved June 17, 2020.

NSW Government. (2015, June 26). How to write a witness statement. Retrieved May 20, 2020.

Mock Trial Strategies. (n.d.). Retrieved June 1, 2020, from
<https://www.mocktrialstrategies.com/direct-examination-2/>

Stetson University. (2019). What is Mock Trial? Retrieved January 1, 2020.

Ward, G. H., Judge. (2014, November 07). Using Charts, Diagrams, Graphs, and Maps in the Courtroom. Retrieved July 18, 2020.

SYNOPSIS

Riley Hayes was indicted for voter intimidation for arranging their campaign manager, Gavin Thomas, to distribute threatening letters to people the two deemed to have Hispanic sounding surnames during Riley Hayes's campaign for Ventura County Commissioner. These letters were distributed to entice a fear in voters to compel them to not vote. Riley Hayes has entered a plea of "not guilty" and the matter is scheduled for a jury trial in the Ventura County Superior Court.

AVAILABLE WITNESSES

1. Sol Martinez
2. Peyton Nuñez
3. Reece Davis
4. Avery Thomas
5. Detective J. Quinn
6. Riley Hayes

(This page serves to give a brief guide to new readers as to what to expect within the document.)

AVAILABLE CASE DOCUMENTS

Legal Documents

1. Indictment and Bill of Particulars (2/28/2019)
(This has been included to show what Riley Hayes has been charged with. It also displays to students what elements they need to argue for or against during the trial.)
2. Relevant Law
(This trial was built upon these two laws and the Federal rules of Evidence. They're included so that students can research the exact laws and rules during their mock trial practices.)
3. Relevant Cases
(The Relevant Cases are another tool that students can utilize to explore cases of similar natures. They are also cases that I used to build the story that is The State of California.)

Witness Materials

1. Affidavit Sol Martinez
2. Affidavit of Peyton Nuñez
3. Affidavit of Reese Davis
4. Affidavit of Avery Thomas
5. Incident Report and Affirmation Statement by Detective J. Quinn
(Because the Detective was not a witness to the crime, their report only serves to add to the credibility of their investigation and credibility to themselves as a detective with their qualifications. It touches only on information that is presented in other witness statements and what the detective did with the information that they were given.)

(The witness materials are listed to show the order of the statements that new readers will be seeing.)

Exhibit List

1. Interrogation of Riley Hayes
(Because Riley Hayes does not have an affidavit. This interrogation contains the only first-person written statements of the Defendant. It will be imperative for both sides of this case to use what lies in the interrogation. Because Riley does not have an affidavit, some of their testimony can be made up during the trial.)
2. Notice of Rights and Waivers Form
(Riley Hayes does not have an attorney present during their interrogation. This serves as a record of Riley's Miranda Warning reading. Without it, the interrogation would not be legitimate (Fifth Amendment Miranda Rights).)
3. Map of Jasperville
(Maps are an essential tool within a courtroom. They act as a demonstrative that helps witnesses and lawyers better emphasize or illustrate an idea (Ward). Therefore, maps are included within this trial.)
4. Map of Glenwood Neighborhood
5. Picture of Letter
(Part of voter intimidation is the element of compelling others to vote, or not vote by means of threatening or intimidating behavior (Cal Elec Code § 18540). The letter serves as a means by which the intimidation can be shown through the trial).
6. Map of Glenwood Neighborhood that was found on Hayes
7. Screenshot of Texts to Campaign Manager #1
(These texts provide full conversations between the Defendant and their Campaign Manager. Because the manager is deceased. These provide students with the legal dilemma of how can they bring the texts in or if they can bring the texts in under Federal Rule 803- exceptions to hearsay)
8. Screenshot of Texts to Campaign Manager #2
9. Screenshot of Texts to Campaign Manager #3
10. Screenshot of Texts to Campaign Manager #4

IN THE SUPERIOR COURT OF VENTURA COUNTY, CALIFORNIA

THE STATE OF CALIFORNIA)	CASE NO.:0012020
)	
vs.)	
)	
RILEY HAYES)	
DEFENDANT)	

INDICTMENT AND BILL OF PARTICULARS

STATE OF CALIFORNIA, COUNTY OF VENTURA, SS: In the Year 2020

THE JURORS OF THE GRAND JURY OF THE STATE OF CALIFORNIA,

discover and present that:

COUNT ONE

VOTER INTIMIDATION

On or about February 7th, 2019 in Ventura County, California, Riley Hayes arranged for the distribution of threatening letters to targeted persons within Ventura County in order to compel their voting or decision to vote. This constitutes the offense of VOTER INTIMIDATION, a 1170(H) crime, in violation of California Election Code § 18540 section (b). To wit: Riley Hayes arranged for their campaign manager, Gavin Thomas, to distribute letters to persons with seemingly Hispanic surnames in the hopes of scaring them from voting in the California primary election of 2019.

K. Carnes

K. Carnes (00103197)
ASST. PROSECUTING ATTORNEY
VENTURA COUNTY

A TRUE BILL

B. Mage

FOREPERSON, GRAND JURY
Ventura County
Date Signed: 2-28-2019

RELEVANT LAW

18 USCS § 594

Cal Elec Code § 18540

Federal Rules of Evidence

RELEVANT CASES

Acosta v. Democratic City Comm., 288 F. Supp. 3d 597

Anderson v. Spear, 356 F.3d 651

Ariz. Democratic Party v. Ariz. Republican Party, 2016 U.S. Dist. LEXIS
154086

Hatfield v. Scaggs, 101 W. Va. 425

Olagues v. Russoniello, 770 F.2d 791

Patton v. Coates, 41 Ark. 111

R. A. V. v. St. Paul, 505 U.S. 377

State v. Williams, 117 N.C. 753

United States by Katzenbach v. Original Knights of Ku Klux Klan, 250 F.
Supp. 330

United States v. Nguyen, 673 F.3d 1259

AFFIDAVIT OF SOL MARTINEZ

Sol Martinez hereby states the following after taking an oath: I am testifying on my own volition; I was not compelled to testify. I am an adult living in Ventura County, and I am competent to testify.

(This is included at the beginning of every witness statement in the trial to show who is giving the affidavit, and that they are giving it on their own volition.)

My name is Sol Martinez. There are few things that can startle me. I grew up in a home with four brothers and two sisters. Let me tell you, all of us kids were always playing pranks on each other. Because of this, I'm always on my toes and not much gets past me. I'd tell you some of the best pranks we pulled but honestly, I'm a little afraid word would get back to my mom, and sometimes secrets are best kept secret.

We lived in a humble home on the Southside of Jasperville-- I've actually lived here my whole life. Well, my whole life except for when I went to the University of Connecticut where I majored in Graphic Design. I ended up getting my Bachelor's Degree in 2006 and promptly moved back to Jasperville this time in the Glenwood neighborhood. I've been working at UDesign as a creative director for the last 14 years now. It's my job to determine the vision of our projects and to make sure everything is looking good and running smoothly. Honestly, the office would be tragic without me.

(These first two passages are serving as foundational information that is required within a witness statement (NSW Government). Foundational questions are used during a trial to make a witness feel more comfortable, but also to make them seem more likeable (or unlikeable) to a jury, depending on the theme and theory of a case (Mock Trial Strategies).)

Outside of work I keep pretty busy. I was actually out running errands before returning home on February 7th (the day that I received the letter). It had to have been around 9:00 p.m. when I finally made it home. I had quite a bit of mail so I grabbed what was in the mailbox and headed into the house. Normally, I would open the door right away, but to my surprise there was a letter sitting on my welcome mat. I grabbed it and noticed it looked like a pretty official piece of mail. I was so tired after trekking across town that I didn't have a chance to open it or any of my other mail. I just went to sleep as soon as I got inside.

(This paragraph serves for two things: It helps start a timeline of events as well as show where and how this witness received their letter.)

I had forgotten about the mail until a couple days later when on the news I saw that people had been given horrible letters by the Riley Hayes Campaign team. The Ventura County Police Department was requesting that anyone who received one of these letters to come forward and share any news they had about the letters. I opened the suspicious letter that I had forgotten about and saw that I indeed had received one of them. I contacted VCPD and was told that a detective would be coming to speak with me. I spoke with Detective J. Quinn later, and I showed them the letter and answered the Detective's questions.

(This can be used to connect dots about how this witness became aware of the investigation. It also shows how they decided to give a statement.)

While talking, I remembered that I had seen Riley Hayes about a week or so before the letters came out. Riley had come into UDesign asking if we would be able to make any last-minute flyers for their campaign. I was not the one who greeted or helped

Riley; however, I was within earshot of the conversation, and I am sure that is was them who was speaking. I have seen their picture all over the news since then.

Riley said “My numbers are not looking good, and I really need some flyers designed for this final stretch of the campaign.” After our intern informed Riley Hayes that there was no way we’d be able to make what they were requesting in time, Riley seemed upset. Riley was pacing back-and-forth and holding their head in one of their hands. Riley eventually pulled themselves out of whatever crisis they were having and said “It’s fine. I’ll just get one of my people to put something together for me. I’m desperate.”

After this conversation, Riley pulled out their phone and began to text someone, at least that is what it looked like. That was the last I saw of Riley Hayes. They left shortly after that.

(These few paragraphs can be used to help either side; however, it helps the prosecution side slightly more. The defense could argue that Riley was looking to make flyers *not* letters and that someone on Riley’s campaign team wanted the letters distributed. However, the prosecution can use these quotes to make the Defendant seem desperate, because in the Defendant’s own words, they were desperate.)

I am familiar with the following exhibits: Exhibit 3-4 are maps of Jasperville and Glenwood Neighborhood. I live within this neighborhood and community so I know these maps. I also am familiar with Exhibit 5. It was the letter that I received.

(This statement is used so that Exhibits 3 and 4 can be used with this witness during a trial if need be since they are familiar with them.)

I swear that everything stated in this affidavit is true. Before giving this statement, I was made aware that I need to include everything that I know which may be relevant to my testimony. I affirm that I followed those instructions. If I think of

anything else, I must update my affidavit before the opening statements begin in this case.

(This is used in all the witness statements. It is their ending oath of swearing to tell the truth. If a witness says something other than what is written within their affidavit a student attorney can use this document to impeach them because they've perjured themselves (England).)

AFFIDAVIT OF PEYTON NUÑEZ

Peyton Nuñez hereby states the following after taking an oath: I am testifying on my own volition; I was not compelled to testify. I am an adult living in Ventura County, and I am competent to testify.

(Opening statement)

My name is Peyton Nuñez. I am the owner of Boards and Blueprints Carpentry in Jasperville. If you've ever needed something built or fixed, you probably know the name. We're pretty famous for our fine craftsmanship. We've even been featured in the Nicer Houses and Lawns magazine before. One of the houses we renovated placed 112th in their "Top 115 Revamped Cribs" contest. I was over the moon when I heard the news that we had made it onto their list.

Ever since my family and I moved to Jasperville 10 years ago, it has been a goal of mine to spruce up the town. I grew up in Miami, Florida and it was beautiful. I try to place some Miami style in every project I take on here. I don't regret much in my life-- my 50 years have done me well; however, if I could do anything over again I would try to get my bachelor's degree. I've always been upset that I didn't continue my education after graduating from high school, but other than that the world has been my oyster and I love every minute of the life I've lived.

(Foundational Information)

Last year, Boards and Blueprints Carpentry was contracted to build quite a few new homes in Glenwood, which is one of the pretty populated neighborhoods here in Jasperville. I would say that I know the area very well, because I actually live in Glenwood. Although, I am the owner of B&B, I like to visit every job site in person to

make sure that my clients are getting the quality standard that B&B advertises. I was on one of our sites on the 2nd when I noticed an unusual occurrence. Glenwood, although large, has a very family-like feel to it. It's the kind of neighborhood where everyone knows everyone. However, on this day, I saw a grey car that I wasn't familiar with driving by slowly. The person who was driving it (who I now know to be Riley Hayes) seemed to be looking around at mailboxes. At first, I thought maybe they were just lost and trying to find an address. However, they circled around the same couple of streets a few times.

(The "2nd" is added to help establish a timeline. The fact that Riley was appearing to look at mailboxes could indicate how Riley was determining who got letters. The fact that Riley circled around a few times could also be suspicious. The witness uses the word "seemed" which means the Defense can cross-examine them on it since the witness wasn't entirely sure what Riley was doing.)

After they made their fourth pass, I decided maybe I should help them find where they were looking for. I started to approach the vehicle to give directions but Riley saw me headed toward them and zoomed out of the neighborhood. Before Riley took off, I saw that they had a map sitting in their lap. They moved it aside after they saw me.

(There was a map found in Riley's possession that had marked houses on it. The fact that this witness saw Riley with a map in the neighborhood could be tied to the marked map).

I brushed off the weird behavior and went back to work. This happened on the 1st of February. A few days later, on the 5th, I was drinking my morning coffee on my front porch when I noticed what appeared to be an argument between the person who I had seen in the grey car (Again, who I now know was Riley) and a man (Who I now know to

be Gavin Thomas). At first their disagreement was hushed and I couldn't make out what they were saying since they were standing across the street, but you could see how upset they were by their facial expressions. Eventually, their volume escalated and I could hear some of what they were saying.

(The “5th” and “morning coffee” give timeline information.)

Riley said “Do not disappoint me, Gavin. We both know this needs to be done.” After some muttering Gavin responded with “I don't like this, but I will do what I must”. Riley yelled “Gavin, I'm warning you...do not mess this up!” and on that note, I cleared my throat loudly. They were disturbing my peaceful morning cup of coffee, and I was tired of listening to them bicker. They looked up, and I waved to them from behind my frog shaped coffee mug. Quickly the two scurried to their cars and drove off. That was the last I saw of Riley and Gavin in the neighborhood.

(These comments are all intentionally vague. Prosecution can spin this conversation to appear as though Riley was giving orders to Gavin. Defense can use this conversation to say that Riley had decided to not go through with the letters but Gavin went against Riley's wishes and distributed the letters. This conversation can also be linked to Exhibit 10: text conversation #4 to show that Riley was upset with Gavin for something. Maybe for sending the letters? That is something that students would have to work out)

I found a letter waiting for me at my front door on the evening of the 7th around 6:30pm. It was a nasty campaign letter that was threatening me to not vote. I immediately called up the VCPD and reported the letter that I found. I was told that a detective would be by to speak to me in the morning. Detective J. Quinn arrived at my house the next morning around 8:00am on the 8th. They asked me what I knew about

the letter if/or I knew anything about Riley Hayes or Gavin Thomas. I shared with the detective everything that I knew and gave them the letter that I had received.

(There are a lot of timeline elements in here “7th,” “around 6:30pm,” and “8:00am on the 8th”. This also shows how the witness became a part of the investigation.)

I am familiar with the following exhibits: Exhibit 3-4 are maps of Jasperville and Glenwood Neighborhood. I live within this neighborhood and community so I am familiar with these maps. I also am familiar with Exhibit 5. It was the letter that I received at my door.

(Establishes what exhibits can be used with this witness)

I swear that everything stated in this affidavit is true. Before giving this statement, I was made aware that I need to include everything that I know which may be relevant to my testimony. I affirm that I followed those instructions. If I think of anything else, I must update my affidavit before the opening statements begin in this case.

(Ending statement)

AFFIDAVIT OF REECE DAVIS

Reece Davis hereby states the following after taking an oath: I am testifying on my own volition; I was not compelled to testify. I am an adult living in Ventura County, and I am competent to testify.

(Opening statement)

My name is Reece Davis, and I was born in Greenfield, Indiana. I have lived in Jasperville for the last 4 years. My spouse Jordan, is originally from Jasperville, and we moved here to be closer to their family. I met Jordan while I was studying Finance at the University of Notre Dame, which is where I eventually earned my BA and my MBA. Jordan made me realize that there is more to life than money, so when we moved to California I figured it was the perfect time to fulfill my life-long goal of becoming a baker. Shortly after moving to California, we took our savings and invested them into a building downtown which has quickly become our booming business. Dream Puffs has become the best bakery in Ventura County, and we couldn't be prouder of what we've accomplished. Well, apart from how proud we are of our two cats-- Jelly Bean and Billie Jean. They're our pride and joy, but our pride in our specialty cream puffs is a close second. You can be sure that they are a "dream" puff when you taste them.

When you're running a business full-time, you don't exactly have an open calendar, but outside of work I manage to juggle a few hobbies. I volunteer at the local library, where I re-shelve books and read to children on the weekends. I worked at a library in high school, and I have just always loved the atmosphere. Occasionally, you can find me on the boardwalk roller-skating in the afternoon. My friends joke that they see me rolling past them more often than they see me face-to-face.

(Foundational information)

I was roller-skating on the afternoon of the 7th when I saw Gavin Thomas placing letters at the front doors of people throughout the Glenwood neighborhood. I saw him place 3 letters while I was skating around, but he looked like he had been outside for a while, so there could have been more. I knew it was him because he frequented the bakery. It wasn't unusual for me to chat with him while he purchased his baked goods, so I decided I'd stop and say 'hello.' I remember that he appeared startled when he saw me. He tensed up and his eyes were wide when he turned to look at me. He mumbled through a greeting which surprised me because normally he was so friendly. I brushed it off as him being stressed because I knew he was involved in the Riley Hayes campaign that was going on.

(Timeline is added with "afternoon of the 7th". This paragraph also shows that someone saw Gavin placing the letters, which adds to the elements of the case. The way Gavin is acting can also be used to make him appear panicky or angry.)

I asked him if he was distributing campaign flyers and he responded by saying "Yeah, just something I have to do...you know, because of the election and all". I nodded in acknowledgement because I figured that is what his answer would be. It was a beautiful day and I was mentioning it to him when he snapped at me and said "Look, I don't have time to talk right now. I have this job to do for Riley." I was taken aback by how rude he had been, but thought maybe I was being annoying. I decided I was done roller-skating for the day after that and went home. I got back around 6:00pm, my afternoon skate had been cut short due to the bad vibes so I was home earlier than normal.

(These statements are again left up to multiple interpretations as the conversation before. There is also the timeline bit with the “6:00pm” addition. Plus, there is more characterization of Gavin’s behavior.)

I had just taken dinner out off the stove around 7:00pm when Jordan called and told me that one of the ovens had quit working at Dream Puffs. I jumped in my car and headed back to town to figure out a solution to our oven situation. On my way into the building, I ran into a distraught Peyton Nuñez. Peyton had done some renovations on Dream Puffs in the past, so I had spoken with them a lot. I asked Peyton if everything was okay, and they told me everything that had happened to them. Once I heard about the letter that Peyton had received from the “Riley Hayes for Commissioner Campaign Team,” I called the VCPD. Detective Quinn came out the next day and asked what I knew about the letter. I told the Detective everything that I knew about the letter, Riley Hayes, and Gavin Thomas. I made sure to tell them that I saw Gavin distributing the letters the previous night. The Detective thanked me for my time and continued about their day.

(Shows relation between witnesses. It also demonstrates how Reece became involved in the investigation.)

I am familiar with the following exhibits: Exhibit 3 is a map of Jasperville. I live within Jasperville, so I know this map.

(Shows what exhibit can be used with this witness)

I swear that everything stated in this affidavit is true. Before giving this statement, I was made aware that I need to include everything that I know which may be relevant to my testimony. I affirm that I followed those instructions. If I think of

anything else, I must update my affidavit before the opening statements begin in this case.

(Ending statement)

AFFIDAVIT OF AVERY THOMAS

Avery Thomas hereby states the following after taking an oath: I am testifying on my own volition; I was not compelled to testify. I am an adult living in Ventura County, and I am competent to testify.

(Opening statement)

I'm Avery Thomas, and I am 39 years old. I have a dog named Lola but other than that, I live alone in my "*spacious*" LA apartment. I grew up in Rhinelander, Wisconsin but moved to Los Angeles for schooling. I dreamed of being a film producer and had been told that USC would be the perfect place for me to make my dream a reality. That's where I majored in Film Production and eventually earned my Bachelor's Degree. My older brother, Gavin Thomas, had attended USC four years before me and he had convinced me that making the move to California was worth it for the education I would receive. It was crazy how stubborn he was. He would not take 'no' for an answer, but eventually I came around and moved to LA. He showed me the ropes of USC and got me accustomed to this new and bustling place called LA. He was a really great older brother.

(Foundational Information, but take note of "It was crazy how stubborn he was".

This can be used by the defense to show that if Riley had changed his mind about the letters, perhaps Gavin was stuck in the old plan)

I'm still shaken up by the news of his death. I was at work; (I work for MoonWorks Pictures as a Production Assistant) when our mom called and told me the news. Gavin passed away on February 8th, 2019 from a freak heart attack. Our family has a history of heart disease, but Gavin had always been healthy—no one in our family could have predicted it. I think Riley Hayes had something to do with it. I don't think

Riley murdered him of course, but Riley was always nagging him about something. It really stressed Gavin out. If not for all of the pressure that Riley put on Gavin, and Gavin's willingness to jump to Riley's every beck and call, I don't believe he'd be dead right now.

(There is timeline with "February 8th, 2019". The more important part; however, is the second half of the paragraph. Avery tells the audience that Riley was hard on Gavin and had him do a lot of things. More importantly, Gavin *did* what Riley told him to do. This piece of information helps the prosecution as it helps add to one of the elements of 18 USCS § 594.)

I had spoken to Gavin often before he passed. We talked every other day on the phone. I think that is what I miss the most—hearing all the mundane things that my brother was up to. Politics never much interested me, but Gavin was always into it. He worked in the Ventura County Auditor's office. He had never run for an office himself, but he loved running the campaign team for Commissioner Riley on the side. He just was never great at being in charge. He'd rather someone else make the decision, which is why he enjoyed supporting Riley. There was so much drama that would go on between all the offices, you wouldn't believe it. The week leading up to Gavin's death was very bothersome for him, it was the week of the primaries. It was hectic every election cycle, but this one in particular seemed to be really bugging him.

("He just was never great at being in charge. He'd rather someone else make the decision, which is why he enjoyed supporting Riley." This statement specifically is important for the prosecution. If the Defense were to argue that Gavin did this on his own accord, the prosecution could bring this up.)

The last time I saw him was the 3rd of February. Riley Hayes was having a little get together with their campaign team and Gavin invited me because it had been awhile since we had hung out in person. The party was okay, it was tense at times when anyone mentioned the election, but everyone tried to keep their spirits up. Afterwards, I waited for Gavin to finish speaking with Riley so that we could head out together, the other guests had already left.

(Timeline, “3rd of February”)

I noticed Riley turned on his computer after everyone else had gone and had a word document pulled up. I was just messing around on my phone waiting for them to be done chatting so I wasn’t paying too much attention. I do remember Riley saying “We are going to have to write our own thing, because they can’t make the flyers.” I remembered Gavin telling me that they had wanted UDesign to make some flyers but that they couldn’t, so I figured they just needed to make some themselves.

(The quote by Riley can be used by the prosecution as an exception to hearsay because it was made by a party opponent. This helps prosecution’s case.)

They chatted some more then eventually I heard Riley say “I’ll keep working on drafting something. I’ll let you know when I have something done.” I figured that was a cue that we were leaving and I put my phone away. Gavin and I said our goodbyes to Riley and each other and then went on our way. I can’t help but think that conversation had something to do with the letters though, and I wish I paid more attention to it.

(Again, this quote can be used by prosecution.)

I spoke, (if that’s what you want to call it) to Gavin on the 4th over the phone. IT was a pretty one-sided conversation though, because Gavin seemed incredibly bothered. Riley’s numbers were looking bad, and the poor figures were weighing heavy on Gavin.

Gavin said, “Something big is going to have to happen for Riley to pull through”. When I asked him what he meant he just responded, “I’m going to talk to Riley tomorrow morning to convince him.”

(The first statement is hearsay and is put in to throw the teams off; however, the second statement can be admitted through the hearsay exception: Then-Existing Mental, Emotional, or Physical Condition, because it is a statement of future intent which has worked in previous cases (Hearsay Exceptions). There is also a part to the timeline— “4th”.)

This was a couple days before those letters came out on the 7th. I do not believe that my brother would knowingly distribute such awful things. Gavin was a good man and he only would have sent those letters if Riley had put him up to it without Gavin fully knowing what the letters contained. I didn’t see the letters in person because I do not live in Ventura County, but I saw them plastered on the news shortly after Gavin’s death. I was contacted by Detective Quinn a couple days after Gavin passed to see if we could meet up, it was probably the 10th. I met with Detective Quinn 40 or so minutes later and we talked about whether Gavin had mentioned anything about the letters. I handed over Gavin’s phone to the Detective. I also told Detective Quinn everything I knew about Gavin and the letters which wasn’t much, but I hope I could help them uncover who was responsible because I know it wasn’t Gavin.

(This brings new timeline info with the “10th”. This also shows how Avery Thomas became involved in the investigation).

I am not familiar with any of the exhibits. I swear that everything stated in this affidavit is true. Before giving this statement, I was made aware that I need to include everything that I know which may be relevant to my testimony. I affirm that I followed

those instructions. If I think of anything else, I must update my affidavit before the opening statements begin in this case.

(Ending statement)

Ventura County Police Department

Case Investigation Report

Case Investigation Report: VCPD 19VI-01

Certification for Determination of Probable Cause

That J. Quinn is a detective of the Ventura County Police Department who has reviewed the investigation done by Ventura County Police Department in case number **19VI-01**. There is probable cause to believe that Riley Hayes has committed the crime of **VOTER INTIMIDATION**, a 1170(H) crime, in violation of California Election Code § 18540 section (b) within the city of Jasperville, State of California. This belief is supported by the following facts:

Training and Experience:

(This section of the case investigation just serves to add to Detective Quinn's credibility as a detective)

I am Detective J. Quinn #1707. I am a sworn law enforcement officer for Ventura County. I was sworn in as a police officer on 11/19/99. I was a sworn officer on the time and date of this incident. My training and experience are:

I earned my Associate's Degree in Criminal Justice in the spring of 1999. After this, I completed a 1,040-hour police academy training at California Police Academy. Here I was trained in criminal investigation, preservation of evidence, official police documentation writing, basic police tactics, fire-arm use, and motor vehicle instruction.

After being sworn in as a Ventura County Police Officer, I worked as a uniformed patrol officer for 12 years. I was first stationed in the bay area of Jasperville, where I mainly responded to emergency calls and provided a police presence the area. During my 12 years, I made 800 arrests for several different kinds of crime.

I underwent additional training for Commercial crimes. I did a 50-hour course through the VCPD. The course pertained to forgery, fraud, intimidation, and other commercial crimes. I completed this training in March of 2011. After completing this course, I was promoted to the VCPD Commercial Crime division. I worked here for 3 years before completing the VCPD 40-hour Detective School and becoming Ventura County's Commercial Crimes Detective in June of 2014.

For the last 4 and a half years, I have served in the best of my capacity by staying up-to-date on police and detective training. I have been the lead investigator in five major fraud cases, several forgery cases, and numerous intimidation cases; however, this is my first *voter* intimidation case. All in all, I have continued to act as a civil servant for the people of Ventura County for the last 20 years.

Investigation:

(This part leads credibility to the investigation. It recounts what steps the detective took, and what information she uncovered. It also tells how she received all the evidence which shows that any of the exhibits can be spoken about in her capacity that she would know them. Also, this fills in some of the holes of the timeline.)

02/08/2019 at 7:30am I was informed by my superior, Sgt. David that a few individuals had received threatening letters within the Glenwood neighborhood of Jasperville. He directed me to 915 W. Seventh St. which was the residence of V/ Peyton Nuñez I was directed to investigate the incidence.

02/08/2019 at 8:00am I arrived at 915 W. Seventh St. and was greeted by V/ Peyton Nuñez. They informed me (in summary) of the following:

On 02/07/2019 around 6:30pm Peyton Nuñez found a letter in front of his door that threatened him if he were to vote in the coming election. After receiving the letter, he contacted VCPD. After this he spoke with one Reece Davis who told him that she had seen a man named S/ Gavin Thomas placing letters for a S/ Riley Hayes.

He also informed me that days before, on the 1st he had seen a suspicious person driving around the neighborhood. As well as witnessed an argument between the same suspicious person and a man whom he was not familiar with. He was not sure if these events were related to the letter, but he thought the timing of them were unusual. He volunteered to give a witness statement.

He provided me with the letter. Exhibit 5 is a true and accurate photo copy of the letter that was sent to Nuñez.

02/08/2019 at 9:00am I left the Nuñez residence and headed to Dream Puffs bakery located at 135 N. Main St. where Sgt. David had informed me I could speak with Reece Davis.

02/08/2019 at 9:17am I arrived at Dream Puffs and asked the employee named Haven Rice if Reece Davis was around. She went and got Reece for me.

02/08/2019 at 9:21am I spoke with Reece Davis about what she knew of the letters. They informed me (in summary) of the following:

On 02/07/2019 around 5:30pm Reece Davis was roller-skating in Glenwood neighborhood. She saw a man whom she recognized as Gavin Thomas. Reece stopped to chat with him because he was a regular at Dream Puffs bakery. While speaking with Reece he seemed agitated. Gavin told Reece that he was distributing letters for the Riley Hayes campaign.

Later in the evening shortly after 7:00pm, Reece ran into Peyton Nuñez who informed Reece of the letter they had received. Reece believed they had pertinent information about who left the letters so they called VCPD.

Reece located on map around where their conversation with Gavin occurred. Exhibit 4 is a true and accurate copy of a map of Glenwood that includes the marking of where this conversation took place. Exhibit 3 is a true and accurate copy of a map of Jasperville and includes the location of Dream Puffs.

Reece voluntarily offered to give a witness statement.

02/08/2019 at 10:00am I was informed that S/ Gavin Thomas had suffered from a heart attack an hour before and had passed away.

02/08/2019 at 2:00pm I released to the press that someone distributed threatening letters and if they have received a letter or know anything about the letter, they should contact the VCPD.

02/09/2019 at 9:00am Sgt. David sent me to 217 S. Main St. where Sol Martinez worked for UDesign.

02/09/2019 at 9:10am I arrived at UDesign and asked to speak with Sol Martinez.

02/09/2019 at 9:03am Sol Martinez met with me and informed me (in summary) that:

They had received a letter on their welcome mat during the evening of 02/07/2019 but they didn't open it till 02/09/2019 around 6:00am. They recounted the last time they saw Riley Hayes at UDesign. Sol stated that they overheard a conversation between Riley and a UDesign employee. Riley made remarks about how they were desperate to send out flyers. They seemed upset and were seen pacing back and forth. Finally, Riley remarked that it was fine because they would just get one of their guys to make them something. Sol voluntarily gave a statement.

02/09/2019 at 4:00pm I am granted my arrest warrant for S/ Riley Hayes.

02/09/2019 at 6:00pm VCPD arrests S/ Riley Hayes with probable cause that they are responsible for voter intimidation. S/ Hayes's phone and belongings held on his person were taken as potential evidence. Exhibit 6 is a true and accurate copy of the map found in S/ Hayes's pocket and includes the same markings that were found on it.

02/09/2019 at 6:32pm I guided an audio recorded interview with S/ Riley Hayes at VCPD. I read S/ Hayes's Miranda Warning to which S/ Hayes initially waived their rights and voluntarily agreed to speak with me in the beginning. Exhibit 1 is a true and accurate transcript of the interview. Eventually, the interview ended when S/ Hayes requested an attorney.

02/09/2019 at 7:45pm I sent S/ Hayes's phone in to be processed for potential evidence.

02/10/2019 at 8:00am I contacted Avery Thomas, sibling of Gavin Thomas, to find out more about Gavin and the letters.

02/10/2019 at 8:40am I meet with Avery Thomas at 817 S. Hampton LN. Appt. 2B. Avery informed me (in summary) that:

They had spoken to Gavin often before his passing. Gavin seemed very agitated and worried about the election leading up to it. He believed that he may need to do something to help S/ Hayes. After a campaign team party, Avery witnessed S/ Hayes writing on a word document while having a conversation with Gavin. S/ Hayes said "We are going to have to write our own thing, because they can't make the flyers." and eventually said "I'll keep working on drafting something. I'll let you know when I have something done."

I received Gavin's phone from Avery Thomas, and Avery voluntarily gave a witness statement.

02/10/2019 at 10:00am I sent Gavin Thomas's phone in to be processed for potential evidence.

02/12/2019 at 8:00am I received browsing history and messages from the phones of S/ Riley Hayes and Gavin Thomas. Browsing history yielded no relevant results but phone conversation messages were extracted. Exhibits 7-10 are true and accurate copies of these messages.

I certify that the following is true and correct to the best of my knowledge under penalty of perjury under the laws of California. Signed and dated 02/12/2019 at Ventura County Police Department

J. Quinn #1707

(The ending statement is included for the same reason that all the witnesses have an ending statement.)

INTERROGATION OF RILEY HAYES AT VENTURA COUNTY POLICE
DEPARTMENT (Exhibit 1)

02/09/19 at: 6:29pm

Quinn: This is Detective Quinn #1707. I am with suspect Riley Hayes at 6:35pm on February 9th, 2019. We are currently in one of our interview rooms at the Ventura County Police Department.

So Riley, you were made aware of why you are here today. Let's cut right to the point, we want to know what happened with the letters. That's what we are here to find out today. So let's begin.

I am going to read you your rights and if you understand them, then initial beside what I read. Understand?

(This is establishing who the interview is between and when)

Hayes: Yeah

Quinn: Good, (Miranda Warning is read). Okay?

(See Exhibit 2 for the Miranda Warning. This is important because the Defendant is not required to speak to them without an attorney but they're choosing to right now.)

Hayes: Okay.

Quinn: Do you understand each of these rights as I have explained to you?

Hayes: Yes.

Quinn: Having these rights in mind, do you wish to speak to me now?

Hayes: Yes.

Quinn: Please sign the bottom of this if you agree.
The time is 6:32pm on February 2, 2019.

Hayes: Okay.

Quinn: How long have you been campaigning?

Hayes: It feels like the campaign never ends, one stops and another one starts. This campaign technically started a year and a half ago though.

Quinn: How long have you been the Commissioner?

Hayes: I've been the Commissioner for four years, but I've held quite a few county offices in the past. Obviously, you know that I'm running for Commissioner again... well, was.

Quinn: It is good for the record to hear it anyway. Do you run these campaigns on your own or do you have help.

Hayes: I have a campaign team that helps me tremendously. Alison Fairfield, Remi Archibald, Devin Taylor, Cole Harrison, Chrissy Gaines, Chad Michaels, and my former right-hand man Gavin Thomas.

Quinn: What did your team do?

Hayes: Gavin was a great friend... before...

(This could be used to mean before he passed or before he went behind Riley's back and sent the letters.)

Quinn: Hayes, I understand that Gavin passed but please answer the question. What did your team do?

Hayes: Okay. Oh, they did the usual: fundraising,

flyer-making, T-shirt designing, poll sitting, etc. etc. if you have seen one campaign team, you've seen a hundred.

Quinn: How was your campaigning going this election?

Hayes: Not well.

Quinn: Can you elaborate on that?

Hayes: Alvaro García was going to win before I pulled out of the race.

Quinn: Why did you pull out of the race?

Hayes: Because of the letters.

Quinn: What letters?

Hayes: The letters that have ruined my political career indefinitely.

Quinn: This letter? I'm showing Exhibit 5 to Riley Hayes.

Hayes: Yeah... that's the one.

Quinn: Why was this letter made?

Hayes: It was my idea. I thought that this letter would help take away some of García's votes.

Quinn: When was it written?

Hayes: It was written 6 days ago, on the 3rd.

Quinn: Did anyone else help you write it?

Hayes: No. Gavin didn't help me write it.

Quinn: I didn't mention Gavin. Did anyone other than him help you write it?

Hayes: No, no one helped me write it.

(He's being a little uncooperative here, this can be painted in different lights as well.)

Quinn: What was your plan for the letter?

Hayes: My plan originally was for the letters to be distributed to people whose last names seemed Hispanic. García is Hispanic and I thought if I could take some of those votes then I would not have to worry about the election. That's not what I wanted though!

(The first part adds to the elements of the case. The last part lessens the blow of the first part of his statement so that the defense can do some damage control.)

Quinn: What do you mean? You just said that was your plan.

Hayes: I wanted that, but then I didn't want that...

Quinn: What did you not want?

Hayes: I didn't want what happened. Gavin and I argued

Quinn: What did you and Gavin argue about?

Hayes: Gavin delivered the letters for me. I can't believe he's dead.

(Most of these are non-committal so that the defense isn't locked from the start.)

Quinn: Did you tell Gavin to deliver the letters for you?

Hayes: Well, I did but...but...I didn't.

Quinn: Did you tell Gavin to deliver the letters for you?

Hayes: Yeah.

(Here is a definitive answer that the prosecution can capitalize on. The defense can re-direct though, so they can help it a bit.)

Quinn: Hayes? I feel like you want to tell me something

Hayes: I don't know anymore.

Quinn: Okay, I don't think we're getting anywhere with this. Did you mark on this map?

Hayes: I want to talk to my lawyer. I'm done with this.

[End of Recording]

CERTIFICATE

THE STATE OF CALIFORNIA)	
)	
vs.)	SS
)	
RILEY HAYES)	

I, Christy Lemon, a commissioned notary public for the State of California certify that the preceding interview did take place at the stated time and place listed. This transcription was created with aid by audio-transcription software. I am not related to either party of this interview, nor am I counsel to either of the parties. I additionally, am not related nor counsel to any of the parties' counsels. I have no interest in the result of this action.

This transcription is now officially sealed by me on February 15, 2019.

Christy Lemon
 Christy Lemon
 Notary Public

**NOTICE OF RIGHTS AND WAIVER FORM
VENTURA COUNTY POLICE DEPT. (Exhibit 2)**

Suspect Name: Riley Hayes Interviewer: Det. Quinn

Location: VCPD -Downtown Date/Time: 2/9/19 6:32pm

Miranda Warning

(Note: Officer have the suspect initial each right when read)

- RA You have the right to remain silent.
- RA Anything you say can and will be used against you in a court of law.
- RA You have the right to talk to a lawyer and have that lawyer present with you while you are being questioned.
- RA If you cannot afford to hire a lawyer, one will be appointed to represent you before questioning if you wish.
- RA You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER

1. Do you understand each of these rights as I have explained to you?
2. Having these rights in mind, do you wish to talk to me now?

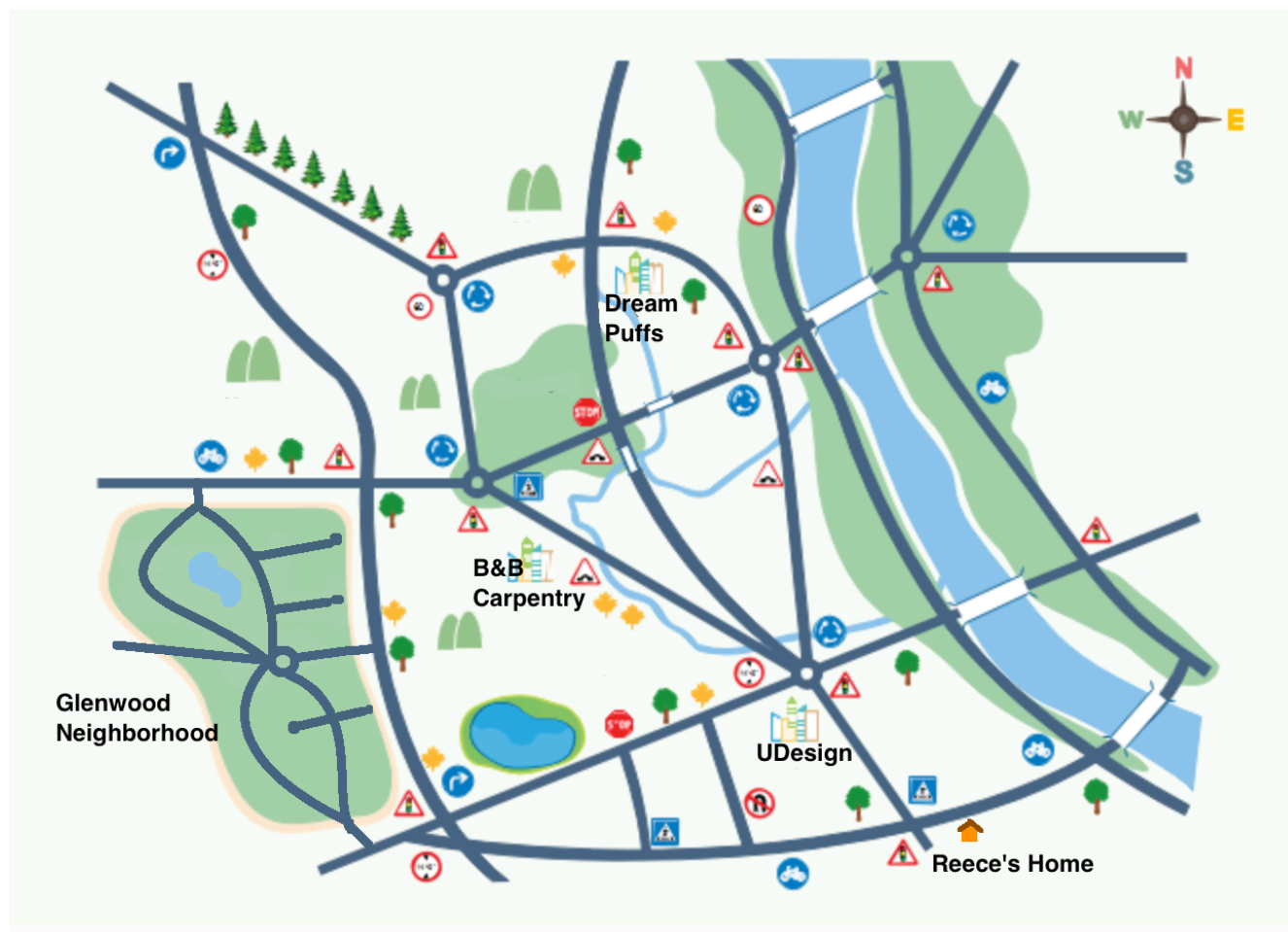
Time: 6:32pm

Riley Hayes
Signature

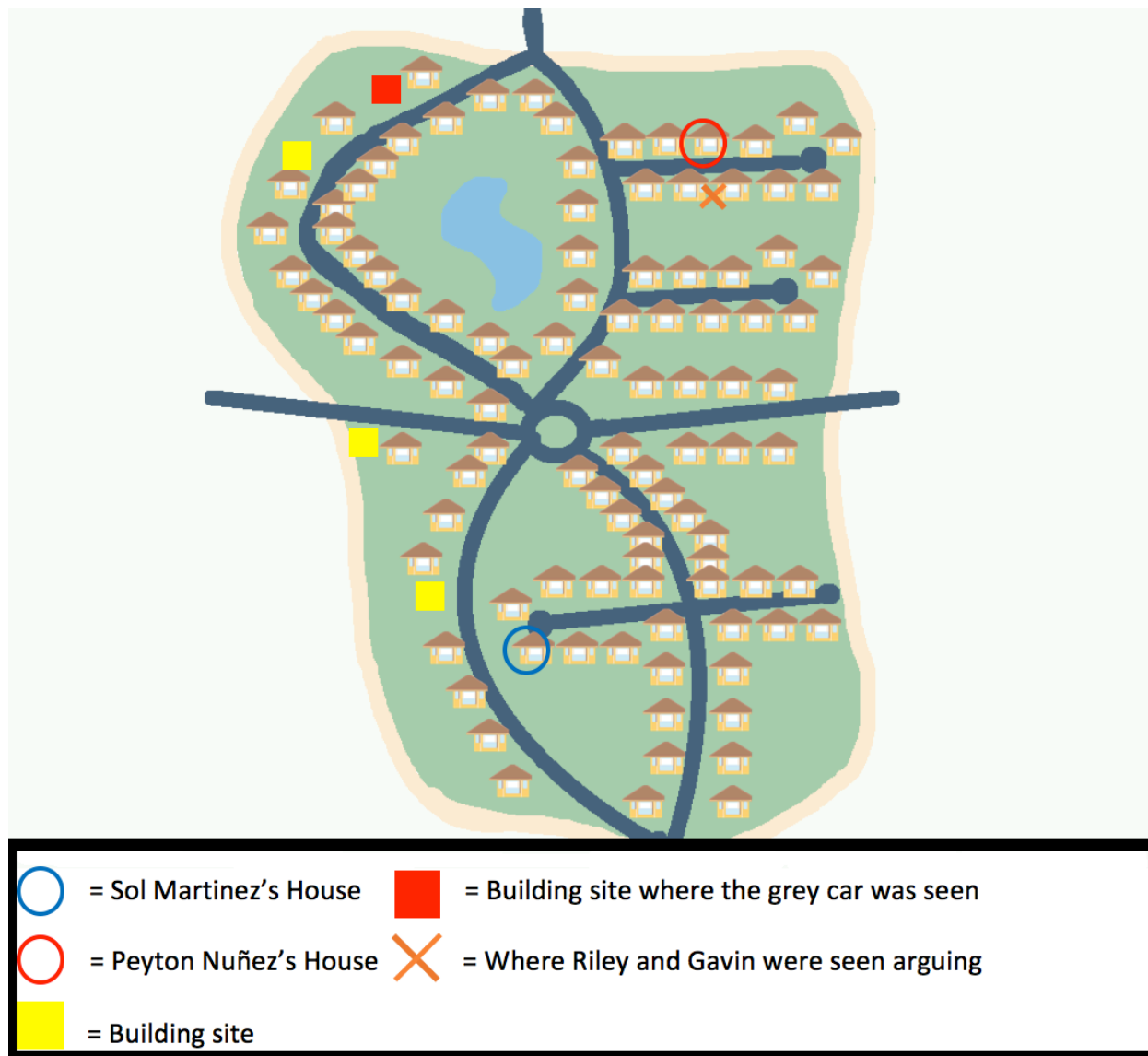
Date: 2/9/19

J. Quinn
Officer Advising Rights

MAP OF JASPERVILLE (Exhibit 3)



MAP OF GLENWOOD NEIGHBORHOOD (Exhibit 4)



PICTURE OF LETTER (Exhibit 5)

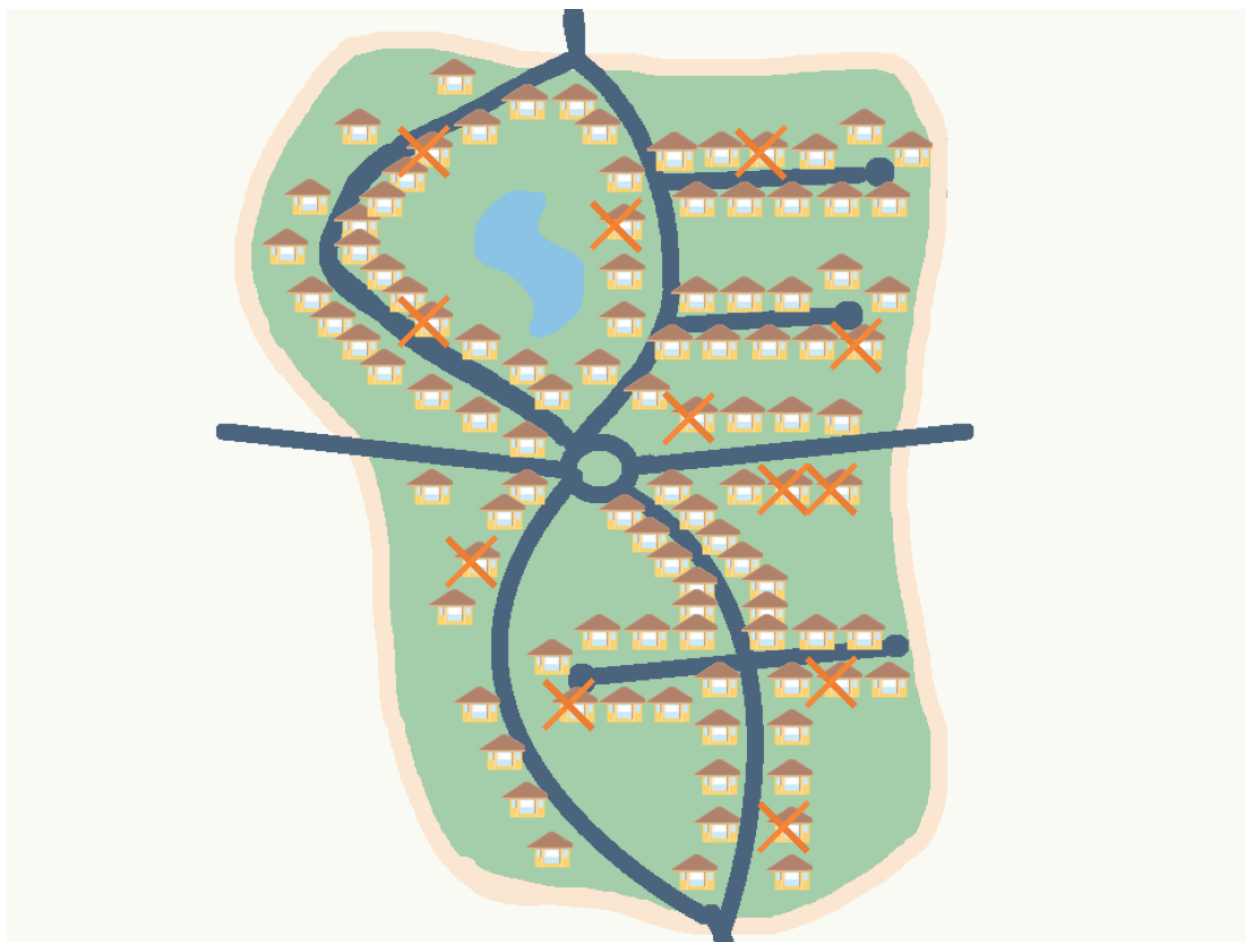
Dear Resident,

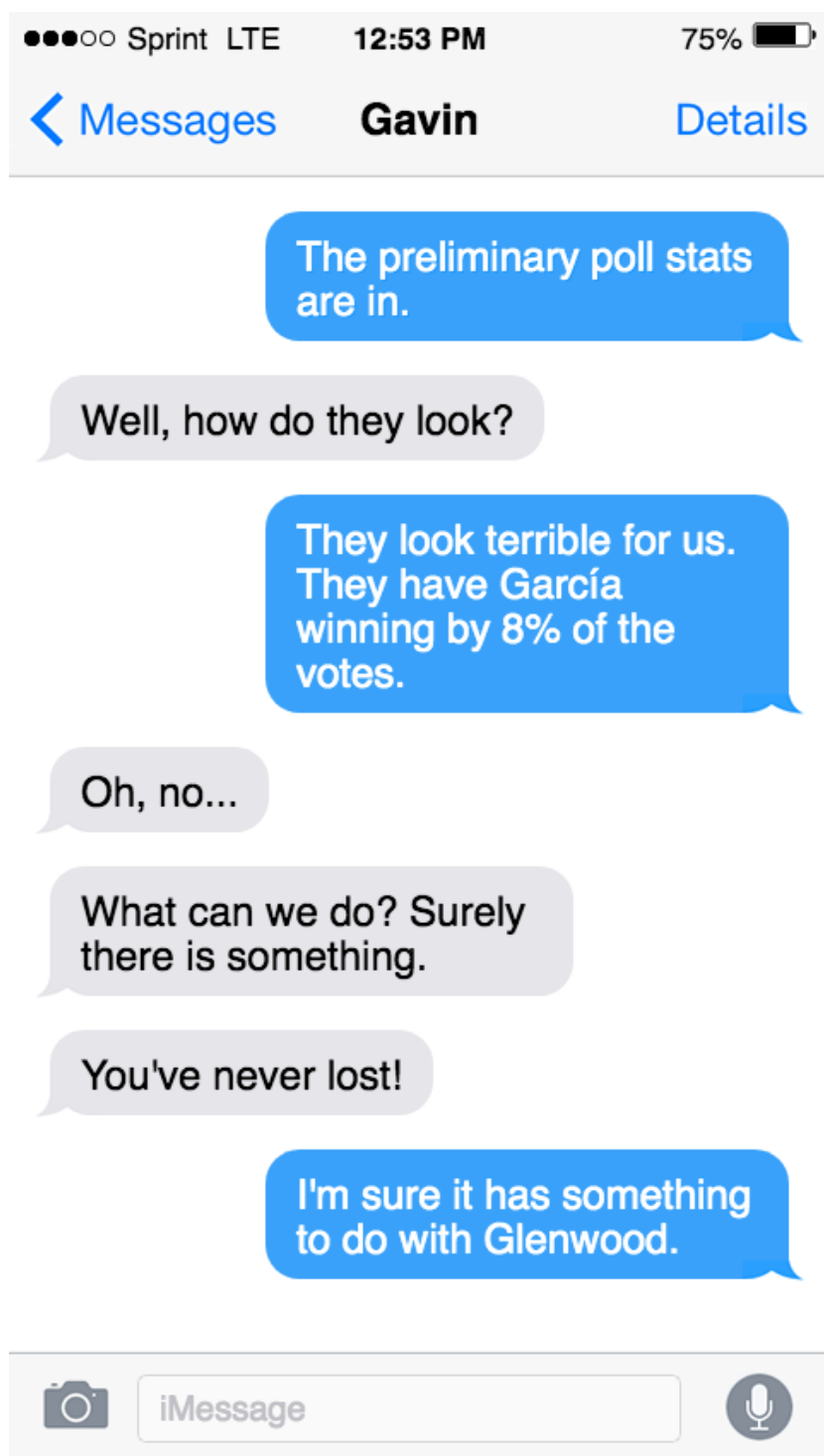
As you may or may not know, election day is fast approaching. Proof of citizenship is required for eligibility to vote. If someone is found to be illegally living within Jasperville, serious action will be taken against said person, their family, and anyone found to be within their social circle who is also illegally living in Jasperville. We will be doing thorough checks into this.

If you are unsure of your current citizenship status or the citizenship status of those around you, it is better to not vote in the upcoming election. Honestly, it is better to be safe than sorry. This is your warning, heed it well.

--Ventura County Election Association

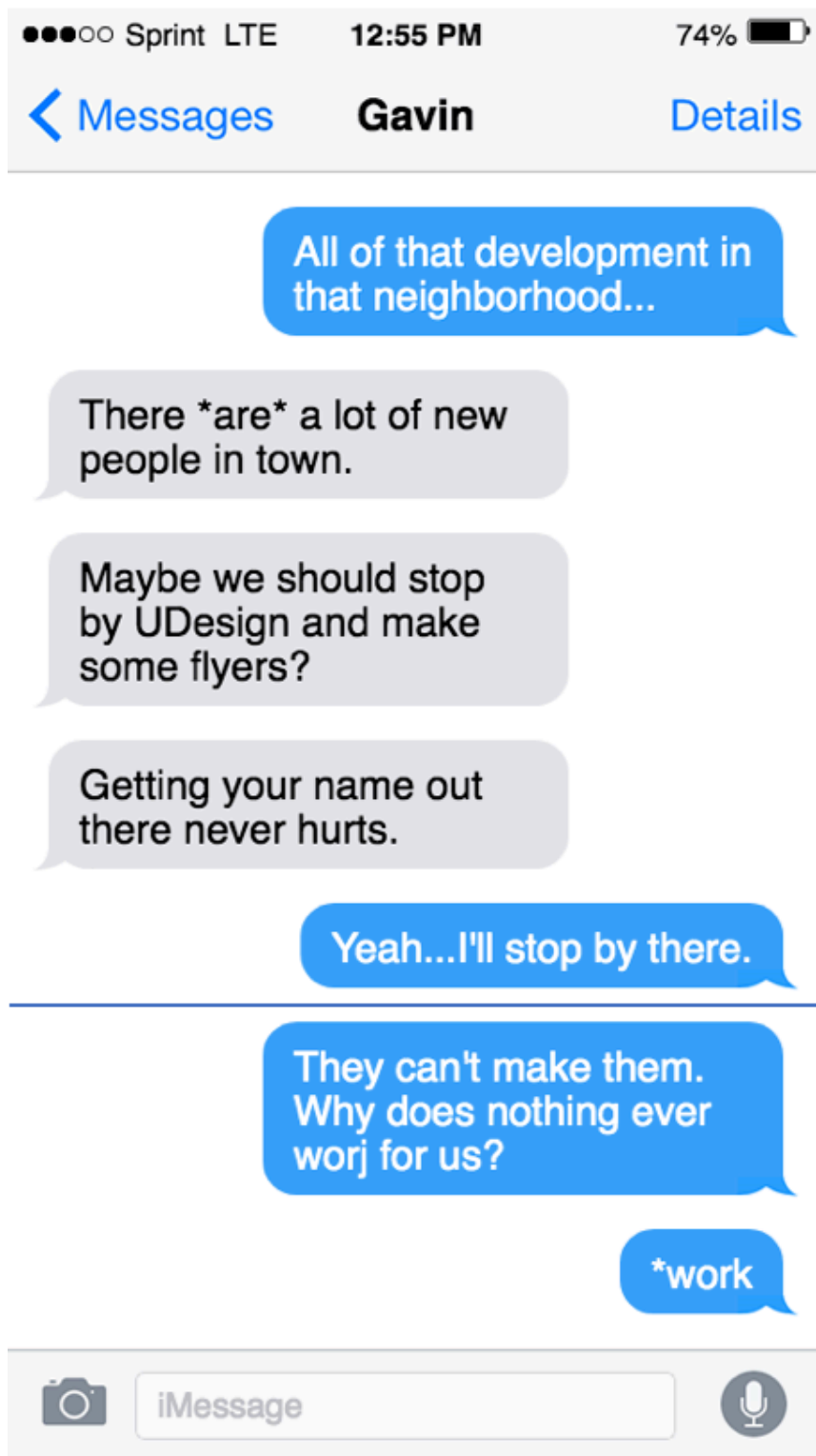
**MAP OF GLENWOOD NEIGHBORHOOD FOUND ON RILEY
HAYES (exhibit 6)**

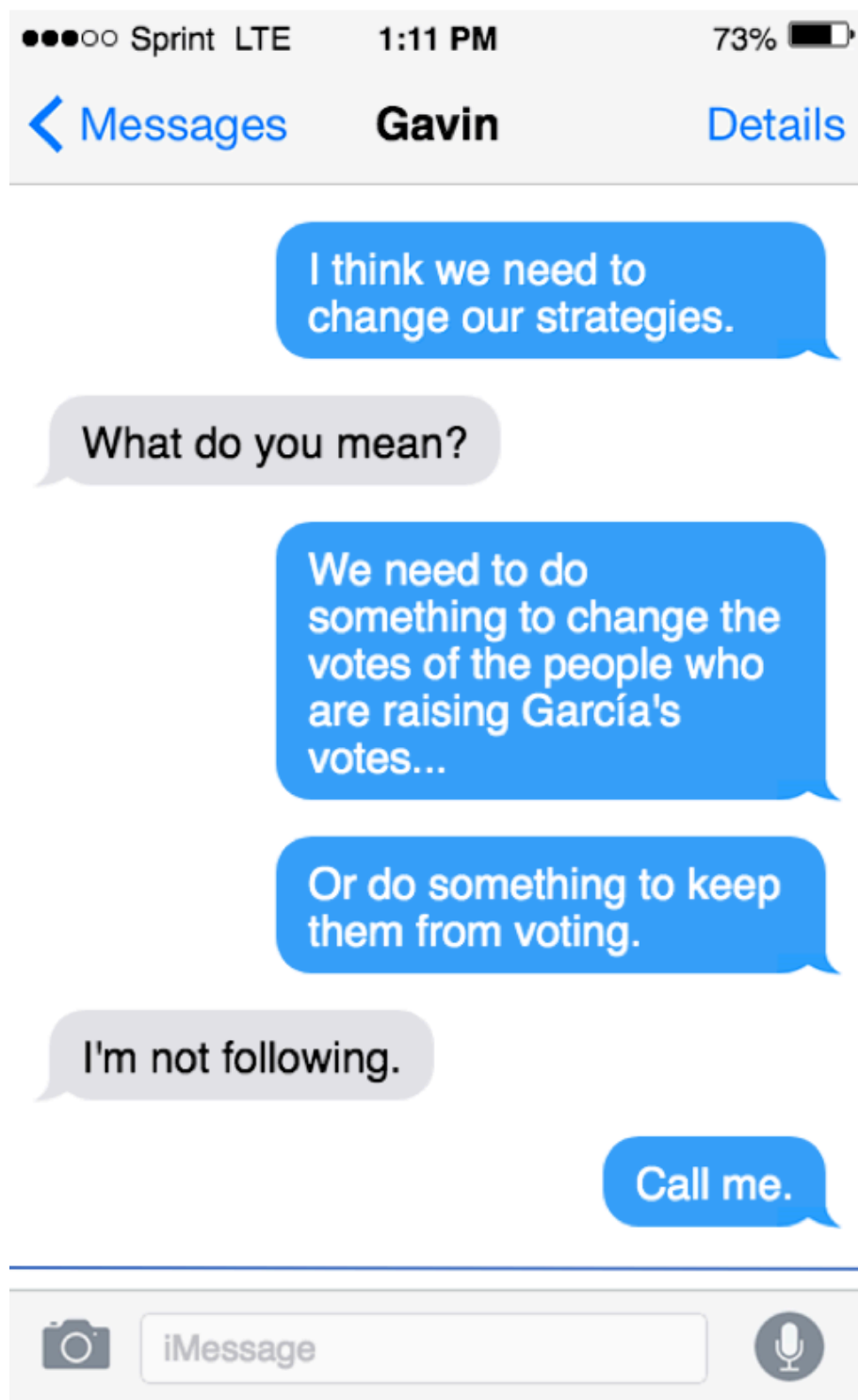


SCREENSHOT OF TEXTS TO CAMPAIGN MANAGER #1**(Exhibit 7)**

SCREENSHOT OF TEXTS TO CAMPAIGN MANAGER #2

(Exhibit 8)



SCREENSHOT OF TEXTS TO CAMPAIGN MANAGER #3**(Exhibit 9)**

SCREENSHOT OF TEXTS TO CAMPAIGN MANAGER #4**(Exhibit 10)**